

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 208 of 1999

in

SPECIAL CIVIL APPLICATION No 163 of 1999

For Approval and Signature:

Hon'ble ACTING CHIEF JUSTICE MR CK THAKKER and sd/-  
MR.JUSTICE M.C.PATEL sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
1 to 5 No

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RAJKOT AGRICULTURAL PRODUCE MARKET COMMITTEE

Versus

STATE OF GUJARAT  
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Appearance:

MR JAYANT PATEL for Appellant  
MR.SR DIVETIA, ASST.GOV.T.PLEADER for respondents.  
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CORAM : ACTING CHIEF JUSTICE MR CK THAKKER and  
MR.JUSTICE M.C.PATEL

Date of decision: 05/03/99

ORAL JUDGEMENT(Per C.K.Thakkar,Actg.C.J.)

Admitted. Mr.S.R. Divetia, learned Assistant

Government Pleader, appears and waives notice of admission on behalf of the respondents.

In the facts and circumstances of the case, the matter is taken up for final hearing today.

This appeal is filed against dismissal of Special Civil Application No.163 of 1999 on February 15, 1999. While dismissing the petition, the learned Single Judge also ordered costs to be paid to the respondents by the petitioner-appellant which was quantified at Rs.400/-.

Notice was issued by us, pursuant to which the parties appeared.

At the time of hearing of the appeal, the learned Assistant Government Pleader stated that election is already declared and election-notification along with the programme is produced which has been taken on record. From the said notification it is clear that the election programme is already declared.

In these circumstances it cannot be said that the petition filed by the appellant-petitioner was misconceived or that it required costs to be awarded to the respondents. In view of the said fact, in our opinion, the order regarding payment of costs by the petitioner to the respondents cannot be said to be proper and to that extent the Letters Patent Appeal is allowed. So far as election is concerned, since the notification is already issued, the prayer regarding holding of election does not survive and is accordingly disposed of. In the facts and circumstances, no order as to costs.

(C.K.Thakkar,Actg.C.J.)

(M.C. Patel,J.)

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